



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,202	07/30/2003	Vicki Ernst	831.1002 DIV.	8182
21831	7590	04/25/2006		
WOLF BLOCK SCHORR AND SOLIS-COHEN LLP 250 PARK AVENUE NEW YORK, NY 10177			EXAMINER AFTERGUT, JEFF H	
			ART UNIT	PAPER NUMBER

1733

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,202

Applicant(s)

ERNST, VICKI

Examiner

Jeff H. Aftergut

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
4a) Of the above claim(s) 9-18 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 19 and 20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102/103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Craft Exchange from website www.kidsdomain.com/craft/placemat5.html as evidenced from the internet archive as available as of October 27, 2000 (newly cited, hereinafter merely referred to as "Craft Exchange").

Craft Exchange suggested that it was known at the time the invention was made to manufacture a placemat by taking a sheet of clear contact paper with an exposed adhesive side facing upward and place a plurality of leaves which have been flattened thereon and in adhesive contact with the contact paper. Subsequent to placement of the leaves on the contact paper, one placed a second sheet of contact paper with its adhesive side facing the leaves on the first sheet of contact paper and sandwiched the leaves there between. This operation was used to form a placement. It should be noted that one could alternatively apply a first sheet of construction paper to the contact paper

Art Unit: 1733

where the construction paper was of a size smaller than the contact paper. In other words, the construction paper did not extend to the peripheral edge of the contact paper wherein the adhesive at the periphery of the contact paper would have still remained exposed. One then placed the leaves on the construction paper and then placed a second sheet of contact paper over the leaves in order to secure the contact papers together including over the edge region of the contact paper. It should be noted that the reference to Craft Exchange clearly desired for the adhesive of the transparent contact paper to be in contact with one another and that the intent was to manufacture a placemat. As such, one would have understood that the adhesive-to-adhesive contact between the contact papers would have provided a fluid tight seal of the placemat. Additionally, while the reference did not expressly state that the placemat was disposed on a table with a plate placed thereon, one skilled in the art would have understood that a placemat was typically employed on a table and that one typically utilized the same to place the plates thereon. It is conceivable that the placemat was only used to place a cup or a bowl thereon, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the placemat to place a plate thereon while the placemat was disposed on a table as such was the usual usage of the placemat. Additionally, it would have been understood that the contact paper with the adhesive surfaces facing one another would have been fluid tight in the sense that a placemat is typically subjected to washing and reuse.

With respect to claim 20, the intelligence conveyed by the material disposed between the contact paper in Craft Exchange would have been understood to satisfy

Art Unit: 1733

the claim as such would have included information regarding different types of leaves as well as different colors which is in fact educational. Additionally, it should be noted that this claim does not further limit the processing being performed but rather it relates to the intended use of the final assembly.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craft Exchange from website www.kidsdomain.com/craft/placemat5.html as evidenced from the internet archive as available as of October 27, 2000 (newly cited, hereinafter merely referred to as "Craft Exchange") in view of Ackerman et al (newly cited).

Craft Exchange is discussed above in full detail and applicant is referred to paragraph 3 above for a complete discussion of the reference. The reference did not expressly state what type of adhesive was employed with the contact paper, however as expressed above one skilled in the art would have understood that the nature of the same would have been such that it was reasonably "fluid tight" when used to bond adhesive to adhesive surfaces of the contact paper together. To further evidence that one skilled in the art of placemats would have selected an adhesive material which was capable of being subjected to harsh environments without fail, the reference to Ackerman et al is cited. Ackerman et al suggested that in the manufacture of a placemat

Art Unit: 1733

which was custom made one skilled in the art would have employed an adhesive to seal the flap of the pocket arrangement subsequent to placement of the desired decorative components within the pocket. The adhesive utilized in the operation was one which was readily able to tolerate unfavorable environmental conditions should the mat ever be exposed to the same, see column 2, lines 15-33. it would have been obvious in the placemat of Craft Exchange to employ an adhesive material which was able to tolerate undesirable conditions and last a long time as such would have extended the life of the custom made placemat and such adhesive materials were known as useful in placemats as evidenced by Ackerman et al.

Claim Objections

6. Claims 19 and 20 are objected to because of the following informalities: In claim 19, line 5, the language "the planar object" should be changed to --planar objects--(the word "the" deleted and the word object made plural in order to provide proper antecedent basis for the planar object in claim 19 and to provide proper antecedent basis for the objects defined in claim 20). Appropriate correction is required.

Election/Restrictions

7. Claims 9-18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11-21-05.

Response to Arguments

8. Applicant's arguments with respect to claims 19 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim 19 has been amended to recite that the arrangement for the placemat was fluid tight. It should be noted that the newly cited reference to Craft Exchange was clearly "fluid tight" where the adhesive surfaces of the contact paper were disposed adjacent one another. Applicant is additionally advised that the use of a more fluid resistant and damage tolerant adhesive material would have been obvious in light of Ackerman et al. It is believed that the placemat of the references of record would have satisfied the requirements of a fluid tight assembly.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1733

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
April 21, 2006